

RULE 3.992(a) CRIMINAL PUNISHMENT CODE SCORESHEET

The Criminal Punishment Code Scoresheet Preparation Manual is available at:
http://www.dc.state.fl.us/pub/sen_cpm/index.html

1. SENT. DATE 01/01/9999 <i>10/15/13</i>	2. PREP'S NAME ALLEN, GARY	SAO KR	3. COUNTY POLK	4. SENTENCING JUDGE STARGEL, JOHN <i>Alcott, Roger</i>
5. NAME (LAST, FIRST, MID, SUF) YATES, JOHNNY, STEVEN,	6. DOB 03/29/1982	8. RACE WHITE	10. PRI. OFF. DATE 04/26/2013	12. PLEA
13. UNIFORM DOCKET # 532013CF00379601XXXX	7. DC # H15999	9. GENDER MALE	11. PRIMARY DOCKET # 1303796	

I. PRIMARY OFFENSE: If Qual., check A S C R (A=Att, S=Solic, C=Consp, R=Recls)
FELONY F.S.# DESCRIPTION OFFENSE LEVEL POINTS
DEGREE

1st/LIT 787.01(1)(A)3 **ATT, KIDNAP, ASSAULT OR TERRORIZE** *1009* **92**
(Level - Points: 1-4, 2-10, 3-16, 4-22, 5-28, 6-36, 7-56, 8-74, 9-92, 10-116)
Prior capital felony triples Primary Offense points - NO **I. 116.0**

II. ADDITIONAL OFFENSE(S): Supplemental page attached - YES
Docket# FEL/MM F.S.# OFFENSE QUALIFY COUNTS POINTS TOTAL
DEGREE LEVEL A S C R
1206079 3RD DEG 812.014(2)(C)6 04 001 X 3.6 = 3.6
DESCRIPTION: GRAND THEFT MOTOR VEHICLE UC#:
1303681 3RD DEG 893.13(6)(A) 03 001 X 2.4 = 2.4
DESCRIPTION: POSSESS METHAMPHETAMINE UC#:
1303681 2ND DEG 316.1935(3)(A) 04 001 X 3.6 = 3.6
DESCRIPTION: FLEE LEO/NO REGARD UC#:
(Level-Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)
Prior capital felony triples Add. Off. points - NO Suppl. page points **63.4**
II. 73.0

III. VICTIM INJURY

	Number	Total		Number	Total
2nd Deg. Murder	240 X	0.0 = 0.0	Slight	4 X	0.0 = 0.0
Death	120 X	0.0 = 0.0	Sex Penet.	80 X	0.0 = 0.0
Severe	40 X	0.0 = 0.0	Sex Cont.	40 X	0.0 = 0.0
Moderate	18 X	0.0 = 0.0			

III. 0.0

IV. PRIOR RECORD: Supplemental page attached - NO

FEL/MM	F.S.#	OFFENSE	QUAL	DESCRIPTION	NBR	PTS	TOTAL
DEGREE		LEVEL	ASCR				
3RD DEG	838.021(3)(B)	03		THREATENS UNLAWFUL	001 X	1.6 =	1.6
MISDEME	562.111(1)	M		POSS. ALCOHOL LT 21-	001 X	0.2 =	0.2
MISDEME	790.1	M		DISPLAY GUN/WEAPON-	001 X	0.2 =	0.2
MISDEME	843.02	M		RESIST. LEO/NO VIOL.	001 X	0.2 =	0.2
MISDEME	365.16	M		MISDEMEANOR	001 X	0.2 =	0.2

(Lev-Pnts: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)
Supplemental page points: **0.0**
IV. 2.4

Page 1 Subtotal: **191.4**
Effective Date: For offenses committed under the Criminal Punishment Code **167.4**
effective for offenses committed on or after October 1, 1998, and subsequent revisions.

NAME (LAST, FIRST, MI)	DOCKET #
YATES, JOHNNY,	1303796
	167.4

Page 1 Subtotal: ~~191.4~~
V. 4.0

V. Legal Status violation - 4 Points

- ☐ Escape ☐ Failure to appear ☐ Fleeing ☐ Supersedeas bond
☐ Incarceration ☐ Pretrial Intervention or diversion Program
☒ Court Imposed or post prison release community supervision
 resulting in a conviction

VI. Community Sanction violation before the court for sentencing VI.

- ☐ Probation ☒ Community Control ☐ Pretrial Intervention or diversion

~~24.0~~
12

- ☐ 6 points for any violation other than new felony conviction x
☐ each successive violation OR

- ☐ New felony conviction - 12 points x ☐ each successive
 violation if new offense results in conviction before or at the
 same time as sentence for violation of probation OR

- ☐ 12 Points x ☐ each successive violation for a violent
 felony offender of special concern when the violation is not
 based solely on failure to pay costs, restitution OR

- ☐ New felony conviction - 24 points x ☐ each successive violation
 for a violent felony offender of special concern if new
 offense results in a conviction before or at the same for
 violation of probation

VII. Firearm/Semi-Automatic or Machine Gun - 18 or 25 points

VII. 0.0

VIII. Prior Serious Felony - 30 Points

VIII. 0.0

Subtotal Sentence Points ~~219.4~~

IX. Enhancements (only if the primary offense qualifies for enhancement) 183.4

Law Enf. Protect	Drug Trafficker	Motor Vehicle Theft	Criminal Gang Offense	Domestic Violence in the Presence of a Related Child

Enhanced Subtotal Sentence Points IX. 0.0

TOTAL SENTENCE POINTS ~~219.4~~

Effective Date: For offenses committed under the Criminal Punishment Code 183.4
 effective for offenses committed on or after October 1, 1998, and subsequent
 revisions.

SENTENCE COMPUTATION

If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison sanction. If the total sentence points are 22 points or less, see Section 775.082(10), Florida Statutes, to determine if the court must sentence the offender to a non-state prison sanction.

If total sentence points are greater than 44:

$$\begin{array}{r} 183.4 \\ 219.4 \end{array}$$
 total sentence points

$$\begin{array}{r} 155.4 \\ 191.4 \end{array}$$
 minus 28 -
$$\begin{array}{r} 116.55 \\ 143.5 \end{array}$$
 X .75 = lowest permissible prison sentence in months

If total sentence points are 60 points or less and court makes findings pursuant to both Florida Statutes 948.20 and 397.334(3), the court may place the defendant into a treatment-based drug court program.

The maximum sentence is up to the statutory maximum for the primary and any additional offenses as provided in s.775.082, F.S., unless the lowest permissible sentence under the code, exceeds the statutory maximum. Such sentences may be imposed concurrently or consecutively. If total sentence points are greater than or equal to 363, a life sentence may be imposed.

LIFE
 maximum sentence
 in years

TOTAL SENTENCE IMPOSED

	Years	Months	Days
<input checked="" type="checkbox"/> State Prison	10		
<input type="checkbox"/> County Jail			
<input type="checkbox"/> Community Control			
<input type="checkbox"/> Probation			
<input type="checkbox"/> Modified			
<input type="checkbox"/> Life			
<input type="checkbox"/> Time Served			

Please check if sentenced as ☐ habitual offender, ☐ habitual violent offender, ☐ violent career criminal, ☐ prison releasee reoffender, or a ☒ mandatory minimum applies.

☐ Mitigated Departure ☐ Plea Bargain ☐ Prison Diversion Program
 Other Reason _____

JUDGE'S SIGNATURE

Effective Date: For offenses committed under the Criminal Punishment Code effective for offenses committed on or after October 1, 1998, and subsequent revisions.

RULE 3.992(b) CRIMINAL PUNISHMENT CODE SUPPLEMENTAL SCORESHEET

NAME (LAST, FIRST, MIDDLE, SUFFIX)	DOCKET	UNIFORM CASE NUMBER	DATE OF SENT
YATES, JOHNNY, STEVEN,	1303796	532013CF00379601XXXX	01/01/9999

II. ADDITIONAL OFFENSE(S):

Docket#	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY A S C R	COUNTS	POINTS	TOTAL
1303681	MISDEME	316.192	M		001 X	0.2 -	0.2
DESCRIPTION: RECKLESS DRIVING-MISD				UC#:			
1303681	MISDEME	843.02	M		001 X	0.2 -	0.2
DESCRIPTION: RESIST. LEO/NO VIOL.-MISD.				UC#:			
1205248	3RD DEG	784.021(1) (A)	06		001 X	18.0 -	18.0
DESCRIPTION: AGG ASSLT-W/WPN NO INTENT TO K				UC#:			
1303796	3RD DEG	812.014(2) (C) 5	04		001 X	3.6 -	3.6
DESCRIPTION: GRAND THEFT FIREARM				UC#:			
1303796	3RD DEG	784.021(1) (A)	06		002 X	18.0 -	36.0
DESCRIPTION: AGG ASSLT-W/WPN NO INTENT TO K				UC#:			
1303796	2ND DEG	790.23(3)	05		001 X	5.4 -	5.4
DESCRIPTION: FEL/DELI W/GUN/CONC WPN/AMMO				UC#:			
(Level-Points:M=0.2,1=0.7,2=1.2,3=2.4,4=3.6,5=5.4,6=18,7=28,8=37,9=46,10=58)							

II. 63.4

IV. PRIOR RECORD:

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUAL ASCR	DESCRIPTION	NBR	PTS	TOTAL
(Level-Points:M=0.2,1=0.5,2=0.8,3=1.6,4=2.4,5=3.6,6=9,7=14,8=19,9=23,10=29)							

IV. 0.0

Reasons for Departure - Mitigating Circumstances

(reasons may be checked here or written on the scoresheet)

- ☐ Legitimate, uncoerced plea bargain
 - ☐ The defendant was an accomplice to the offense and was a relatively minor participant in the criminal conduct.
 - ☐ The capacity of the defendant to appreciate the criminal nature of the conduct or to conform that conduct to the requirements of law was substantially impaired.
 - ☐ The defendant requires specialized treatment for a mental disorder that is unrelated to substance abuse or addiction, or for a physical disability, and the defendant is amenable to treatment.
 - ☐ The need for payment of restitution to the victim outweighs the need for a prison sentence.
 - ☐ The victim was an initiator, willing participant, aggressor, or provoker of the incident.
 - ☐ The defendant acted under extreme duress or under the domination of another person.
 - ☐ Before the identity of the defendant was determined, the victim was substantially compensated.
 - ☐ The defendant cooperated with the State to resolve the current offense or any other offense.
 - ☐ The offense was committed in an unsophisticated manner and was an isolated incident for which the defendant has shown remorse.
 - ☐ At the time of the offense the defendant was too young to appreciate the consequences of the offense.
 - ☐ The defendant is to be sentenced as a youthful offender.
 - ☐ The defendant is amenable to the services of a postadjudicatory treatment-based drug court program and is otherwise qualified to participate in the program.
 - ☐ The defendant was making a good faith effort to obtain or provide medical assistance for an individual experiencing a drug-related overdose.
- Pursuant to 921.0026(3) the defendant's substance abuse or addiction does not justify a downward departure from the lowest permissible sentence, except for the provisions of s.921.0026(2)(m).